

December 14, 2004



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in ET Docket No. 04-186.

Dear Ms. Dortch:

On December 9, 2004, Harold Feld of Media Access Project and Jim Snider of New America Foundation (collectively, NAF, et al.) met with Ed Thomas, Bruce Franca, Alan Stillwell and Bruce Romano of the office of Engineering and Technology.

NAF, *et al.* reiterated the concern expressed in their filed comments that the grant of additional channels to LPTV and translators in MB Docket No. 03-185 would eliminate most available spectrum for Part 15 devices, and that the Commission should therefore allow Part 15 devices to operate either on a co-equal basis or under traditional underlay rules. NAF, *et al.* Noted that the DTV signal has a pilot beacon imbedded in it, making acquisition and recognition of the signal easier which would assist in traditional underlay operation. NAF, *et al.* also discussed the question of border exclusion zones, reiterating statements made in comments.

In response to questions from NAF, *et al.*, FCC staff stated that the NPRM did not propose giving broadcasters exclusive rights to transmit the proposed "permission beacon" for low power devices.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Associate Director